

REMARKS

Claims 16 and 17 have been amended to resolve an issue raised by the Examiner without changing the scope of the claims.

Entry of the above amendment is respectfully requested.

Information Disclosure Statement filed March 11, 2005

Applicants note that an Information Disclosure Statement was filed in the present application on March 11, 2005, but does not appear to have been considered yet by the Examiner. Accordingly, Applicants respectfully request that the Examiner consider the information disclosed on March 11, 2005 and return an initialed PTO/SB/08 form with the next communication from the PTO.

Antecedent Basis Issue

On page 2 of the Office Action, in paragraph 4, the Examiner notes that claims 16 and 17 recite the limitation " M_1^+ " in claim 11, but the Examiner indicates that there is insufficient antecedent basis for this limitation in the claim. In particular, the Examiner indicates that in line 8 of both claim 16 and claim 17, " M_1^+ " is defined as being the synonymous with " M_1^+ " in general formula (2), but the Examiner asserts that there is no " M_1^+ " in general formula (2). Rather, the Examiner indicates that general formula (2) contains " M^+ ".

In response, Applicants submit initially that " M_1^+ " is present in general formula (2) in claim 11. Since the Examiner indicates that general formula (2) contains " M^+ ", perhaps there has been some confusion with general formula (1) in claim 2, which contains " M^+ ".

Nevertheless, since " M_1^+ " simply represents a quaternary ammonium in general formula (2) in claim 11, Applicants have amended claims 16 and 17 to change " M_1^+ is synonymous with M_1^+ in general formula (2)" to " M_1^+ is quaternary ammonium" to resolve this issue.

Anticipation Rejection over Nakamura et al.

On page 3 of the Office Action, in paragraph 6, claims 11, 13-14, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakamura et al, EP 945264 A1.

In response, Applicants note initially that present independent claim 11 requires that in general formula (2), X^- represents an anion containing at least one carboxyl group.

In contrast, Nakamura et al. (EP 945264 A1) discloses no compound having such a counter anion.

It is noted that the specific Nakamura anionic dyes cited by the Examiner do not contain at least one carboxyl group (i.e., at least one $-\text{COOH}$ group).

In this regard, the Examiner's attention is directed to, e.g., Compound No. C-1 on page 69 in the present application as an example of an onium salt represented by general formula (2) that has an anion component that contains a carboxyl group.

Accordingly, the present invention is not anticipated by Nakamura et al., and withdrawal of this rejection is respectfully requested.

Obviousness Rejection over Nakamura et al.

On page 5 of the Office Action, in paragraph 8, claims 11, 13-14, and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura et al.

In response, as discussed above, Nakamura's anionic dyes do not contain at least one carboxyl group, and thus do not teach or suggest the presently recited general formula (2), in which X^- represents an anion containing at least one carboxyl group. Therefore, Nakamura does not teach or suggest the present invention and thus does not render the present invention obvious.

Further, in regard to general formulas (2-A) and (2-B) recited in claims 16 and 17, respectively, Applicants submit that these formulas include SO_3^- , while Nakamura's anionic infrared absorbing dyes (IR-24), (IR-25) and (IR-26) only include SO_3H , SO_3H and SO_3K , respectively (the negatively charged component in each of these dyes is O^-). Thus, Applicants submit that these Nakamura dyes neither teach nor suggest the subject matter of claims 16 and 17, even if, as the Examiner proposes, one were to substitute a quaternary ammonium in place of the cationic counter ions actually used in these dyes.

Further, Applicants submit that comparative examples 7, 8, 10, 11, 13 and 14, which use ammonium compound C-X or C-Y (both of which have a quaternary ammonium ion and a bromine ion), did not exhibit the excellent effect of the present invention.

Thus, Applicants submit that the present invention is not obvious over Nakamura et al., and withdrawal of this rejection is respectfully requested.

Conclusion

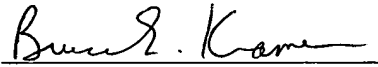
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/662,534

Attorney Docket No. Q77005

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Bruce E. Kramer
Registration No. 33,725

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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